

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 9, 18 and 22 are currently being amended.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-22 are now pending in this application.

Finality of Office Action

Applicant respectfully submits that the finality of the Final Office Action mailed October 20, 2008, was improper. Specifically, the Examiner rejected claims 1-8 in view of new grounds of rejection using the same prior art, for reasons that were not necessitated by claim amendments. The rejection is based solely on new arguments and interpretations (not previously presented) that replace those made in the Office Action mailed on February 22, 2008. Accordingly, Applicant respectfully submits that the Final Office Action mailed October 20, 2008 be made non-final.

Claim Objections

Claims 19 and 21 were objected to for informalities. In response, Applicant has amended claims 19 and 21 to correct those informalities. Specifically, Claims 19 and 21 were amended to remove the word "further" as suggested by the Examiner. Thus, Applicant requests that the objection be withdrawn.

Claim Rejections – 35 U.S.C. § 102

On page 2 of the Office Action, the Examiner rejected Claims 9-12 and 14-22 under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent Publication No. 11-040361 titled

“EL Light Emitting Panel and Manufacture Thereof” published on December 2, 1999 to Minoru (“Minoru”).

The Examiner stated that:

Regarding claim 9, Minoru teaches a display device (Drawing 3) comprising: luminescent material (23a and 23b ;[0020] and also see Explanation of Letters and Numerals in the machine translation) wherein the luminescent material comprises: a first layer comprising first luminescent material (23b) and a second layer comprising second luminescent material (23a) ; wherein the second luminescent material 23a may be controlled to be illuminated to mask a space in the first luminescent material 23b (see Drawing 3 wherein for example 23b occupies a small region and the region outside of 23b is therefore masked by 23a); and; electrodes (for example 28f, 25a, 25b, 28e) configured to control illumination of the luminescent material such that the luminescent material can be controlled to display information; wherein all of a display background can be controlled to be illuminated by luminescent material (since materials 23a and 23b together provide illumination for all of the display background).

Regarding claim 18; Minoru teaches a display device (Drawing 3) comprising: luminescent material (23a and 23b ;[0020] and also see Explanation of Letters and Numerals in the machine translation) wherein the luminescent material comprises: a first layer comprising first luminescent material (23b) and a second layer comprising second luminescent material (23a) ; wherein the second luminescent material 23a may be controlled to be illuminated to mask a space in the first luminescent material 23b (see Drawing 3 wherein for example 23b occupies a small region and the region outside of 23b is therefore masked by 23a); and; electrodes (for example 28f, 25a, 25b, 28e) configured to control illumination of the luminescent material such that the luminescent material can be controlled to display information; wherein the luminescent material can be controlled such that no areas are visible between portions of the luminescent material controllable to display information.

Regarding Claim 22, Minoru teaches a display device (Drawing 3) for use in an automobile, comprising: a first electroluminescent active element (23b) located in a first plane and a second electroluminescent active element (23a) located in a second plane different than the first plane; wherein the second electroluminescent active element masks a space (region of 23b

where there is no illumination by 23b) in the first electroluminescent active element (23a) (also see [0001] for the application of the device).

The Examiner concluded that claims 9-12 and 14-22 are anticipated by Minoru.

Minoru does not identically disclose the combination of elements recited in independent Claims 9-12 and 14-22. Minoru is directed to a “EL Light Emitting Panel” which carries out a light-emitting display of two or more patterns. *See ¶ [0001]*.

Claim 9, as amended, is in independent form and recites a “display device” comprising, in combination with other elements, a “first layer comprising first luminescent material, wherein the first luminescent material forms a first pattern; and a second layer comprising second luminescent material, wherein the second luminescent material forms a second pattern that corresponds to a negative image of the first pattern.” Claims 10-17 depend from amended independent Claim 9.

Claim 18 is in independent form and recites a “display device” comprising, in combination with other elements, a “first layer having first luminescent material, wherein the first luminescent material forms a first pattern; and a second layer having second luminescent material, wherein the second luminescent material forms a second pattern that corresponds to a negative image of the first pattern.” Claims 19-21 depend from amended independent Claim 18.

Claim 22 is in independent form and recites a “display device for use in an automobile” comprising, in combination with other elements, “a first electroluminescent active element located in a first plane, wherein the first electroluminescent active element forms a first pattern; and a second electroluminescent active element located in a second plane different than the first plane, wherein the second electroluminescent active element forms a second pattern that corresponds to a negative image of the first pattern.”

Minoru does not identically disclose a “display device” comprising, among other elements, a “first layer comprising first luminescent material, wherein the first luminescent material forms a first pattern; and a second layer comprising second luminescent material,

wherein the second luminescent material forms a second pattern that corresponds to a negative image of the first pattern” (Claim 9), a “first layer having first luminescent material, wherein the first luminescent material forms a first pattern; and a second layer having second luminescent material, wherein the second luminescent material forms a second pattern that corresponds to a negative image of the first image patter” (Claim 18), or “a first electroluminescent active element located in a first plane, wherein the first electroluminescent active element forms a first pattern; and a second electroluminescent active element located in a second plane different than the first plane, wherein the second electroluminescent active element forms a second pattern that corresponds to a negative image of the first pattern” (Claim 20).

In rejecting Claims 9-22, the Office Action states that elements 23b and 23a of Fig. 3 meet the limitation of a first and second luminescent material. The claims require that the first and second luminescent materials each include a pattern. However, Minoru states that 23a does not include a pattern, but instead is a continuous layer. *See* Fig. 3 and ¶ [0020]. Thus, elements 23b and 23a do not form “a first pattern” and “a second pattern that corresponds to a negative image of the first pattern” as required by independent Claims 9, 18 and 22.

Accordingly, the rejection of Claims 9, 18 and 22 over Minoru is improper. Thus, Claims 9, 18 and 22 are patentable over Minoru.

Dependent Claims 10-17 which depend from independent Claim 9 and dependent Claims 19-21 which depend from independent Claim 18, respectively, are also patentable. *See* 35 U.S.C. § 112 ¶ 4.

The Applicant respectfully requests withdrawal of the rejection of Claims 9-22 under 35 U.S.C. § 102(b).

Claim Rejections – 35 U.S.C. § 103(a)

On page 7 of the Office Action the Examiner rejected Claims 1-8 as being obvious over U.S. Patent No. 4,777,402 titled “Thin Film EL Display Device Having Multiple EL Layers” to Mitsumori (“Mitsumori”) in view of U.S. Patent No. 6,252,356 titled “Dispersed

Multicolor Electroluminescent Lamp and Electroluminescent Lamp Unit Employing Thereof” to Tanabe (“Tanabe”) under 35 U.S.C. § 103(a). In addition, the Examiner rejected Claim 13 as being obvious over Minoru in view of Mitsumori.

Concerning claim 1, the Examiner stated that:

Regarding claim 1, Mitsumori teaches a display device of the thin-film electroluminescent display type (see at least Prior Art Fig. 3), comprising: a first layer 4 having an electroluminescent material; a second layer forming a transparent front electrode 2 (transparent conductive film 2 to which electrical supply is connected; col. 1, lines 34-36) a third layer having at least one first rear electrode 6, the first layer being between the second layer and the third layer; a fourth layer behind the third layer and having an electroluminescent material 8; and a fifth layer with at least one second rear electrode 10 (see col. 1, lines 30-50) .

However, the Examiner acknowledged that Mitsumori does not disclose a fifth layer with at least one second rear electrode masking an area which is not covered by the first rear electrode.

The Examiner stated that Tanabe discloses a second rear electrode 26A (Fig. 7) masking an area which is not covered by the first rear electrode 28A (col. 6, lines 12-50).

The Examiner concluded that “it would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify the display device, as disclosed by Tanabe, in the device of Mitsumori in order to display multiple patterns.”

Mitsumori and Tanabe do not identically disclose the combination of elements recited in independent Claim 1 (as amended). Mitsumori is directed to a thin film EL display device having multiple layers. *See Abstract.* Tanabe is directed to an electroluminescent lamp unit having a transparent electrode layer which is electrically separated into two or more regions which enables the display of multiple patterns in multiple luminescent colors using one dispersed EL lamp. *See Abstract.*

Claim 1 (as amended) is in independent form and recites a “display device of the thin-film electroluminescent display type” comprising, in combination with other elements, “a first

layer having a first electroluminescent material, wherein the first luminescent material forms a first pattern,” “a third layer having at least one first rear electrode, with a shape corresponding to the first pattern, the first layer being between the second layer and the third layer,” “a fourth layer behind the third layer and having a second electroluminescent material, wherein the second luminescent material forms a second pattern that corresponds to a negative image of the first pattern” and “a fifth layer with at least one second rear electrode, with a shape corresponding to the second pattern and masking an area which is not covered by the first rear electrode.” Claims 2-8 depend from independent Claim 1 (as amended).

Mitsumori and Tanabe do not identically disclose a display, comprising, in combination with other elements, “a first layer having a first electroluminescent material, wherein the first luminescent material forms a first pattern,” “a third layer having at least one first rear electrode, with a shape corresponding to the first pattern, the first layer being between the second layer and the third layer,” “a fourth layer behind the third layer and having a second electroluminescent material, wherein the second luminescent material forms a second pattern that corresponds to a negative image of the first pattern” and “a fifth layer with at least one second rear electrode, with a shape corresponding to the second pattern and masking an area which is not covered by the first rear electrode.”

In rejecting Claims 1-8, the Office Action states that elements 4 and 8 of Fig. 3 of Mitsumori meet the limitation of the claimed first layer and fourth layer. Mitsumori describes elements 4 and 8 as EL emission films. *See* Col. 1, lines 34-38. However, the element 4 of Mitsumori is not “a first layer having a first electroluminescent material, wherein the first electroluminescent material forms a first pattern,” as recited in claim 1, as the element 4 does not have a pattern; moreover, the element 8 of Mitsumori is not “a fourth layer...having a second electroluminescent material, wherein the second electroluminescent material forms a second pattern that corresponds to a negative image of the first pattern,” as recited in claim 1, as the element 8 does not have a pattern. Further, the electrodes 6 and 10 disclosed by Mitsumori are not “at least one first rear electrode, with a shape corresponding to the first pattern” and a “second rear electrode with a shape corresponding to the second pattern and masking an area which is not covered by the first rear electrode.” Tanabe fails to cure this

deficiency. Thus, the combination of Mitsumori and Tanabe fail to identically disclose each and every limitation as claimed in Claim 1.

Accordingly, the rejection of Claim 1 over Mitsumori in view of Tanabe under 35 U.S.C. § 103(a) is improper. Therefore, Claim 1 is patentable over Mitsumori in view of Tanabe.

Dependent Claims 2-8, which depend from independent Claim 1, are also patentable. See 35 U.S.C. § 112 ¶ 4.

Concerning Claim 13, the Examiner stated that “[r]egarding Claim 13, Minoru teaches the invention set forth above (see rejection in Claim 12 above).”

However, the Examiner acknowledged that “Minoru is silent regarding a display device, wherein the first electrode is also associated with control of the section of luminescent material of the second layer.”

The Examiner stated that Mitsumori discloses:

[A]n organic display device (Prior Art Fig. 3) wherein the first electrode (6) is also associated with control of the section of luminescent material (4) of the second layer and the control of the section of luminescent material (4) of the first layer (8) in order to achieve multicolor display (see col. 1, lines 30-49).

The Examiner concluded that “it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the electrode, as disclosed by Mitsumori in the organic display device of Minoru in order to achieve multicolor display.”

However, as set forth above, Minoru fails to identically disclose, teach or suggest a “first layer comprising first luminescent material, wherein the first luminescent material forms a first pattern; and a second layer comprising second luminescent material, wherein the second luminescent material forms a second pattern that corresponds to a negative image of the first pattern” as claimed in claim 9. Claim 13 depends from Claim 9 (as amended) and is therefore patentable for at least that reason. Further, Mitsumori fails to cure the deficiencies of Minoru.

Accordingly, the rejection of Claim 13 over Minoru in view of Mitsumori under 35 U.S.C. § 103(a) is improper.

Thus, the Applicant respectfully requests withdrawal of the rejection of Claims 1-8 and 13 under 35 U.S.C. § 103(a).

* * *

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By Walter K. Robinson

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 295-4623
Facsimile: (202) 672-5399

Walter K. Robinson
Attorney for Applicant
Registration No. 59,396